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Total Number of Pages in This Submission

7

Application Number 09/578,085

Filing Date May 24, 2000

First Named Inventor Palmeri, Richard

Art Unit 3628

Examiner Name Bui, Thach H.

Attorney Docket Number 1029-03

ENCLOSURES (Check all that apply)

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Remarks Amendment to Appeal Brief in response to Notice of Non-Complaint Brief dated June 25, 2007		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Frank A. Cona		
Signature			
Printed name	Frank A. Cona		
Date	July 24, 2007	Reg. No.	38,412

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Unit : 3628
Examiner : Bui, Thach H.
Serial No. : 09/578,085
Filed: : May 24, 2000
Inventor : Richard Palmeri
Title : SYSTEM FOR ELECTRONIC
: RE-ALLOCATION OF A
: TRANSACTION AMOUNT TO
: AN INVESTMENT

Docket: 1029-03

Dated: July 24, 2007

AMENDMENT

MS Appeals
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Non-Compliant Appeal Brief dated June 25, 2007, Applicant amends the Appeal Brief as follows:

III. STATUS OF THE CLAIMS

Claims 1 – 29 have been previously cancelled. Claims 30 – 58 are pending in the instant application. Claims 30 – 58 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Patent No. 5,621,640 to Burke ("Burke") in view of published International Application No. WO 94/04979 to Hartt et al ("Hartt"). Claims 30 – 58 are hereby appealed.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The invention is a system for automatically re-allocating a portion of a transaction amount to an investment system, and more particularly to a system for diverting a portion of a transaction amount to a user investment trust to grow the funds for the benefits of the user or a designated beneficiary after a set gestation period. Independent Claims 30, 37, 46, and 52 are at issue in this appeal.

The subject matter of each of independent Claims 30, 37, 46, and 52 can be broadly identified and generally mapped by reference to the same page and line numbers of the disclosure in Specification and the same reference numbers in the drawings, as set forth below. The claimed invention, of course, is not limited to the these descriptions and embodiments, but is defined by the claims.

In reference to Figure 1, Claims 30 and 37 set forth a method and system, respectively, for electronically reallocating a portion of a transaction amount (money transfer systems 12, 15, 22 and transaction processing units 14, 17, 21) in a transaction between a user (1) and a vendor (5), which includes electronically distributing a portion reallocated from the transaction amount from a user account (13) to a vendor account (18); and electronically distributing the portion reallocated from the transaction amount from the vendor account (18) to a user trust account

(20), wherein the portion allocated from the transaction amount in the user trust account is placed in a user investment vehicle (24) for the user (1).

Also in reference to Figure 1, Claims 46 and 52 also set forth a method and system, respectively, for electronically reallocating a portion of a transaction amount (money transfer systems 12, 15, 22 and transaction processing units 14, 17, 21) in a transaction between a user (1) and a vendor (5). This method/system includes electronically receiving at least a portion reallocated from the transaction amount from the vendor (5) to the user account (13) proximate in time to said transaction using an electronic system (money transfer systems 12, 15, 22 and transaction processing units 14, 17, 21) and placing said portion reallocated from said transaction amount in a user investment vehicle (24) for said user.

As discussed in the Background of the Specification, the typical family is undereducated and or simply not able to save money for their children's steadily increasing cost of education, or to save money for retirement. Lower and middle income families are saddled with the need to provide for their future themselves, but without any additional income to put aside after paying for current expenses.

The claimed invention, conceived of by Mr. Palmeri at least as early as 1996, is a workable and efficient system that allows individuals to automatically put money aside. This money would be invested and grown for their future or their children's future, without the need for them to generate additional funds or manage said funds. *Specification pages 1, line 15 to and 2, line 16. See also, Declaration of Richard Palmeri and attachments thereto (outlining the great benefits of the "Kids Bank and Trust" in letters to interested parties).*

In the claimed invention, funds are reallocated from a transaction amount between a user and a vendor to an investment vehicle for the user. As discussed in the Specification, the vendor

would agree to allocate a portion of its own sale price for the investment. By making the re-allocation of a portion of the transaction price come directly from the vendor's sale price, the transaction is invisible to the user, and does not require him/her to invest his/her own funds. The vendor in turn receives direct benefits from this arrangement through its tremendous marketing appeal, which provides a significant incentive for the user to shop with them. Also, the vendor may receive tax incentives as well. *Specification pages 8, line 4 to [-] page 10, line 21.*

REMARKS

In the Notice of Non-Complaint Appeal Brief dated June 25, 2007, the Examiner has checked paragraphs 2 and 4 only as the basis of non-compliance. At the bottom of the Notice, the Examiner states the reasons for checking these paragraphs as:

"2. Status of claims must indicate the status of all claims filed.

4. Summary of claimed subject matter must identify and map all independent claims on appeal (30, 37, 46, & 52) to specification by page and line number or paragraph number and/or drawings, if any."

In accordance with MPEP 1205.03, we respectfully submit that an entire amended brief is not necessary and the submitted response, amending the relevant sections of the brief is sufficient. If the Examiner feels that an entire new brief is required, we respectfully request that the examiner contact the Applicant's representative. In this regard, we note that a change of correspondence address was previously filed in this case and that the Applicant's representative be contacted at the address and/or phone number below to prevent any undue delays.

The Examiner has indicated that the status of the claims must indicate the status of all of the claims filed. Accordingly, this section has been amended to indicate that Claims 1-29 had previously been cancelled. This section already indicates that Claims 30-58 are current pending, have been rejected, and the basis of that rejection. For the avoidance of doubt, this section has also been amended to indicate that all of pending rejected Claims 30-58 are being appealed.

The Examiner has further indicated that each of the independent claims must be mapped to reference numbers in the drawings (if any) and to the actual line numbers in the Specification

in addition to the page number. Accordingly, the summary of the claimed subject matter has been amended to include reference numerals from Figure 1 corresponding to elements of the claims, and to add the line numbers on each page of the Specification where the cited description of the claimed subject matter begins and ends.

We respectfully submit that the Appeal Brief, as amended is compliant and respectfully request that the appeal now be review on its merits.

Respectfully submitted,

A handwritten signature in black ink that reads "Frank Cona". The signature is written in a cursive, flowing style.

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